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Hiding Injuries at Tesla: Where The Worker Still Doesn't Matter.

Posted on November 8, 2018 by Jordan Barab

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Under-recording of workplace injuries and illnesses is bad, and far too common. But at the automaker Tesla, in Fremont, California, under-recording is more than a paper exercise in deception — at Tesla it means withholding needed medical treatment of injured workers so that their injuries aren't report on OSHA logs.

We [wrote previously](#) about reports that workers are getting hurt at Tesla and that many of those injuries are not being recorded. Earlier this year, Reveal reporters Will Evans and Alyssa Jeong Perry documented how Tesla put style and





recordkeeping violations. Now Evans shows the many ways that Tesla is keeping injuries off the OSHA logs.

Despite a clear pattern of inaccurate reporting, federal OSHA is unable to cite patterns of under-reporting after Congress repealed OSHA's "[Volks](#)" regulation at the beginning of the Administration. Throughout OSHA's history, the agency had been able to cite employers who violated OSHA's requirement to keep accurate records for five years. OSHA had issued a regulation addressing a court ruling against that practice, but Congress used the Congressional Review Act to repeal it. No OSHA can't cite recordkeeping violations longer than 6 months before a citation is issued, making it impossible to cite patterns of violations like those committed at Tesla.

California has modified these restrictions slightly by allowing the agency to cite employers for recordkeeping violations six months from when Cal/OSHA first learns of the violation, instead of six months from when the violation occurred. But the bill was signed too late for the agency to take action against Tesla.

Background

Under-reporting injuries and illnesses on OSHA logs is nothing new. Unlike fatality reporting, injury and illness reporting is conducted by employers. The Bureau of Labor Statistics (BLS) estimated in 2016, that nearly 3.7 million workers across all industries, including state and local government, had work-related injuries and illnesses that were reported by employers. But due to documented and widespread underreporting of workplace injuries, experts estimate that the true number is closer to 7.4 million to 11.1 million injuries and illnesses a year — two to

such as incentive programs or retaliatory drug testing.

That's why OSHA's "electronic recordkeeping regulation," issued in 2015, forbids employers from retaliating against workers for reporting injuries and illnesses. The Trump administration recently issued a memo weakening the enforcement of that language.

In order to understand Tesla's strategy, you need to understand how OSHA defines a "recordable injury." According to OSHA regulations, work-related injuries must be recorded on OSHA injury logs if they require medical treatment beyond first aid, if they result in days away from work or if the worker is assigned job restrictions due to the injury. Tesla's practices were designed to avoid anything that triggers recording, according to former medical personnel who worked at Tesla.

To ensure that fewer injuries would be recorded, Tesla hired Access Omnicare, headed by hand surgeon Dr. Basil Besh, to run its factory health center. Access Omnicare promised Tesla it could help reduce the number of recordable injuries and emergency room visits. Reveal obtained a copy of [Access's proposal](#) which stated that "Access Omnicare's model, with more accurate diagnoses, reduces "un-necessary use of Emergency Departments and prevents inadvertent over-reporting of OSHA (Occupational Safety and Health Administration) recordability."

"Over-reporting?"

How to Under-count at Tesla? Let Me Count the Ways

To under-record, and under-record effectively requires some creativity.

No matter what type of injuries workers came in with – burns, lacerations, strains and sprains – clinic staff were under instructions to send them back to work full duty, she said. Watson said she even had to send one back to work with what appeared to be a broken ankle.

A medical assistant who formerly worked at the clinic remembered an employee who was sent back to work even though he couldn't stand on one of his feet. Another employee passed out face down on the assembly line – then went back to work.

“You always put back to full duty, no matter what,” said the medical assistant.

Ambulances were highly risky as well, if your goal is to hide serious injuries. Tesla forbids staff from calling 911 without permission after workers have been injured –even when fingers have been severed or employees have suffered serious injuries. Instead they put them in a Lyft or Uber and send them to a clinic after which they're put back on the assembly line with no work modifications, even if they can barely walk. One worker's back was painfully crushed when a hood fell on him. “I couldn't walk, I couldn't sit down. I couldn't even stand up straight,” Stephon Nelson recalled. But Tesla refused to call 911 or send him to the hospital in an ambulance, putting him in an Uber instead.

Why? To save money? More likely because “911 logs become public records. And first responders, unlike drivers for ride-hailing services, are required to report severe work injuries to California’s Division of Occupational Safety and Health, the state’s workplace safety agency.”

Watson recalled one worker who had passed out on the job and went to the hospital because of her exposure to fumes in the factory. Even though a work-related loss of consciousness is required to be counted, no such injury was recorded on Tesla's injury logs.

Temp workers hurt on the production line also were often rebuffed by the clinic, said former clinic employees. At one point, there was a blanket policy to turn away temps, they said.

Tracy Lee developed a repetitive stress injury over the summer when a machine broke and she had to lift car parts by hand, she said. Lee said the health center sent her away without evaluating her because she wasn't a permanent employee.

By law, Tesla is required to record injuries of temp workers who work under its supervision, no matter where they get treatment. But not all of them were.

Beware the Night

Getting hurt during the day is bad enough. But getting hurt at night is especially dangerous because there are no doctors or nurses on duty.

Two medical assistants who used to work there said they often were left on their own – one on duty at a time – and struggled to tend to all the injured. Both had to do things such as take vital signs, which medical assistants aren't allowed to do without on-site supervision, according to the [Medical Board of California](#). Reveal granted them anonymity because they fear speaking out will hurt their careers. Dr. Basil Besh said no one works alone. Besh

and then contact on-call doctors, a medical assistant said. 

Getting a code for Tesla's Lyft account was a drawn-out process that could take hours, she said.

The medical assistants said they were alarmed and uncomfortable with the doctors' orders to use Lyft because they worried some patients could pass out or need help en route. One worker directed to take a Lyft was light-headed and dizzy. Another had his fingers badly broken, contorted and mangled.

Moving Right Along

And despite promises from Tesla CEO Elon Musk to do better, Tesla has not cleaned up its act, according to Watson:

Many more injured workers never were counted, she said. Tesla's official injury logs, provided to Reveal by a former employee, show [48 injuries](#) in August. Watson reviewed the list for the three weeks she was there and estimated that more than twice as many injuries should have been counted if Tesla had provided appropriate care and counted accurately.

And despite the fact that there is evidence that Tesla is violating the law, CalOSHA has not responded to the information Watson supplied to them.

Watson called Cal/OSHA officials to insist they investigate her complaint. She told them that she had detailed knowledge of a system that undercounted injuries by failing to treat injured workers. But Cal/OSHA officials told her that it wasn't the agency's responsibility, she said. They suggested contacting another agency, such as the



She said she just wants someone to make sure that Tesla workers get the care they need. “You go to Tesla and you think it’s going to be this innovative, great, wonderful place to be, like this kind of futuristic company,” she said. “And I guess it’s just kind of disappointing that that’s our future, basically, where the worker still doesn’t matter.”

This [blog](#) was originally published at Confined Space on November 6, 2018. Reprinted with permission.

About the Author: Jordan Barab was Deputy Assistant Secretary of Labor at OSHA from 2009 to 2017, and spent 16 years running the safety and health program at the American Federation of State, County and Municipal Employees (AFSCME).

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Tesla Swears It's a Fair Employer—Yet It's Trying to Dodge a Law That Protects Workers

Posted on June 15, 2018 by Michael Arria

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before the company went X in front of a judge to face some of these accusations, Tesla petitioned the state of California to get around a new labor regulation that would require the company to be certified as a “fair and responsible workplace.”

On June 11, Michael Sanchez, a Tesla employee who is currently out on medical leave, testified before an NLRB administrative law judge, claiming that he was asked to leave the company’s Fremont factory by a supervisor and security guards in February 2017 after he attempted to hand out pro-union literature. The hearing is part of a wider complaint that was originally filed against Tesla by the NLRB [last August](#).

Tesla has denied these allegations, insisting that the company is being unfairly targeted by labor groups looking to sow division among workers.

However, just one week before Sanchez’s testimony, the company sent a [letter](#) to the California Labor and Workforce Development Agency asking to be exempt from a new state rule that would require the company to be certified as a “fair and responsible workplace” in order for Tesla customers to receive state rebates for buying electric cars. Those rebates are viewed as key enticements in Governor Jerry Brown’s plan to put 5-million zero emission cars on California’s roads by [2030](#).

Governor Brown stuck the rule into his cap-and-trade [legislation](#) from last year, in a move that was perceived as



"To be sure, Tesla is not perfect—no company is," reads the letter, dated June 4. "But any objective analysis of our workplace, as opposed to the selective use of unrepresentative anecdotes in a company of almost 40,000 employees globally, demonstrates we are a leader in the workplace. There should be absolutely no question that we care deeply about the well-being of our employees and that we try our hardest to do the right thing."

On May 23, the state put out a [concept paper](#) for public comment, which detailed how the new rule would potentially be enforced. As part of their application process for the customer rebates, companies would have to submit information about their workplace practices to the state. This would include information about the company's illness and injury prevention program, the recordable worker injury rates, nondiscrimination measures, and policies for investigating workplace complaints, wage violations and safety concerns. Manufacturers would also have to submit a list of citations and charges brought against them by government agencies and any criminal charges that have been brought against them for workplace issues within the last five years.

The concept paper will be revised with the accepted comments, and then the unions will push for the final document to become law. The government agencies have suggested that full certification commence in two years, but the United Auto Workers (UAW) union, which has been pushing to unionize the company's factory, wants it to take effect by July 2019.

In addition to the aforementioned NLRB complaint, which encompasses a number of different accusations, Tesla is

him by the n-word. Vaughn alleges that when he complained about the treatment, he was fired for not having a positive attitude.

Tesla CEO Elon Musk has repeatedly defended the company's safety record publicly. In May, he went on a lengthy Twitter rant attacking the media for covering Tesla negatively, focusing specifically on a *Reveal* report that [detailed](#) how the company left workplace injuries off their books. Musk also criticized the UAW and declared that his employees didn't actually want a union. "Nothing stopping Tesla team at our car plant from voting union," [Musk tweeted](#). "Could do so [tomorrow] if they wanted. But why pay union dues & give up stock options for nothing? Our safety record is 2X better than when plant was UAW & everybody already gets healthcare."

When asked to explain what he meant by the stock option comment, Musk shifted to an observation about the Revolutionary War: "US fought War of Independence to get rid of a 2 class system!" Musk wrote, "Managers & workers [should] be equal [with] easy movement either way. Managing sucks [by the way]. Hate doing it so much." Musk's net worth is estimated to be about \$18.2 billion currently.

The new rule and the NLRB hearing comes amid additional bad news for Tesla and its employees. After misjudging the speed at which they could produce their Model 3 vehicles, the company laid off more than 3,000 people—about 9 percent of their workforce. "We made these decisions by evaluating the criticality of each position, whether certain jobs could be done more efficiently and productively, and by assessing the specific skills and abilities of each individual in the company," Musk wrote to the company in

The rule could be codified as early as July.



This [article](#) was originally published at [In These Times](#) on June 15, 2018. Reprinted with permission.

About the Author: Michael Arria covers labor and social movements. Follow him on Twitter: @michaelarria

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Tesla expands worker injury list 1 week after Elon Musk criticizes media for reporting on it

Posted on May 30, 2018 by Melanie Schmitz

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Tesla has expanded its list of worker injuries following [a report](#) published in [Reveal](#) from The Center for Investigative Reporting, which flagged under-counting



The move also comes one week after CEO and founder Elon Musk [blasted](#) the media for reporting on the discrepancies and threatened to start a Yelp-like site to rate journalists.

“Tesla disputed our reporting showing that it left worker injuries off the books,” Reveal [tweeted](#) Tuesday. “Now, it’s begun adding some of the injuries that had been missing.

The original [Reveal report](#), published on April 16, claimed that Tesla officials were under-reporting work-related injuries sustained by employees in order to make the company’s safety numbers appear more favorable to industry critics. The company instead wrote many complaints off as “personal medical issues or minor incidents requiring only first aid,” according to internal company records. In May, pressure on the company doubled after an unfavorable review by Consumer Reports found troubling flaws in the Tesla Model 3’s braking system, the second critical report from the austere publication.

Responding to the criticism last week, Musk went on a Twitter rant, claiming that the negative press was part of “a calculated disinformation campaign.”

“The holier-than-thou hypocrisy of big media companies who lay claim to the truth, but publish only enough to sugarcoat the lie, is why the public no longer respects them,” he tweeted.

A short while later, after several followers accused him of emulating President Trump’s media bullying tactics, he added, “Thought you’d say that. Anytime anyone criticizes the media, the media shrieks ‘You’re just like Trump!’ Why

Musk then claimed he would “create a site where the public can rate the core truth of any article & track the credibility score over time of each journalist, editor & publication.”

“Thinking of calling it Pravda,” he [tweeted](#), the name borrowed from the state-run newspaper of Soviet Russia. When asked if the site would work like Yelp, where users can rate local businesses and leave reviews, Musk [added](#), “Exactly.”

(As science and tech reporter Mark Harris [noted](#), Musk may be planning to follow through on his tweets: in October 2017, one of Musk’s associates, Jared Birchall, incorporated a “Pravda Corp” in the state of California. After Harris tweeted the incorporation documents, Musk simply [replied](#) with a smiling emoji.)

Reveal’s criticisms appear to have some merit, however. As the outlet noted on Tuesday, following Musk’s Twitter rant and the earlier media reports, Tesla officials allegedly quietly revised the company’s books to add more names to the company’s list of worker injuries, including at least “13 injuries from 2017 that had been missing when Tesla certified its legally mandated injury report earlier this year.”

“Alaa Alkhafagi, for example, smashed his face and arm in the paint department last fall. He said he had been asked to perform a task for which he had no training,” reporter Will Evans [wrote](#). “At the time of the injury, Tesla didn’t put Alkhafagi on official injury logs, even though the accident caused him to miss work. ...By late April, Tesla had added him to the 2017 logs, dating his injury Oct. 1 and noting that he missed three days of work because of it.”

Tesla has claimed it was simply complying with state laws  in adding the new cases to its list. “[W]e’ve added only a small fraction...to our 2017 logs, amounting to less than 2 percent of our 2017 injuries,” the company said in a statement to Reveal. “This is a normal part of ensuring our records are accurate. In fact, this is precisely what OSHA regulations require that companies do.”

Musk has not yet personally responded to the latest Reveal report on Twitter.

This [article](#) was originally published at ThinkProgress on May 29, 2018. Reprinted with permission.

About the Author: Melanie Schmitz is an editor at ThinkProgress. She formerly worked at Bustle and Romper.

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Production Over Safety at Tesla: “People are getting hurt every day”

Posted on April 20, 2018 by Jordan Barab

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Elon Musk, owner of [SpaceX](#) and Tesla is a seriously strange and driven guy. That can be a good thing in some



safety record. And things apparently aren't getting any better.

After interviewing more than three dozen current and former employees and managers — including five former members of its environment, health and safety team — and reviewing hundreds of pages of documents, [a major investigative piece](#) by Will Evans and Alyssa Jeong Perry at Reveal and the Center for Investigative reporting found that Tesla is ignoring major health and safety issues in their Fremont, California plant and is making the company's injury numbers look better than they actually are by repeatedly failing to report some of its serious injuries on legally mandated OSHA reports.

Why? Production over safety: "Everything took a back seat to production," according to Justine White, a former safety lead, "It's just a matter of time before somebody gets killed."

Almost every day there is an [article](#) describing Tesla's failure to meet its self imposed deadline for delivery of its moderately priced Model 3. And Musk seems to be taking out on his employees.

Elon Doesn't Want Signs

And second, as I mentioned above, Elon Musk is a seriously weird guy who doesn't like yellow lines on the floor (that set pedestrian safety lanes to avoid fork lifts) or clutter caused by safety signs, or noise caused by back-up beepers. So unpleasant!

In her March 2017 [resignation letter](#), White recounted the time she told her boss, Seth Woody, "that the

caution tape) or to wear safety shoes in the plant” and acknowledged it “was a mess,” she wrote.

So what are we talking about? Exposure to un-monitored toxic chemicals, heavy manual lifting because mechanical lifts are too slow, lack of training, musculoskeletal injuries and on and on.

Elon didn’t want signs, anything yellow (like caution tape) or to wear safety shoes in the plant

There’s this:

Last April, Tarik Logan suffered debilitating headaches from the fumes of a toxic glue he had to use at the plant. He texted his mom: “I’m n hella pain foreal something ain’t right.” The searing pain became so unbearable he couldn’t work, and it plagued him for weeks.

But Logan’s inhalation injury, as it was diagnosed, never made it onto the official injury logs that state and federal law requires companies to keep. Neither did reports from other factory workers of sprains, strains and repetitive stress injuries from piecing together Tesla’s sleek cars. Instead, company officials labeled the injuries personal medical issues or minor incidents requiring only first aid, according to internal company records obtained by Reveal.

And this:

When building Tesla’s other cars, former workers said they had to sacrifice their bodies to save time. Some workers, for example, lifted heavy car seats over

"People would carry a seat because they'd be like, 'Oh, I gotta get this done.' I personally carried a seat," Barraza said. "They're supposed to move. Move it on, move it on, keep the line going."

White, the former safety lead, also said workers sometimes lifted seats manually, but Tesla, in a statement, said it doesn't happen.

A former Tesla safety professional ... said the company systematically undercounted injuries by mislabeling them

And this:

A former Tesla safety professional ... said the company systematically undercounted injuries by mislabeling them. "I saw injuries on there like broken bones and lacerations that they were saying were not recordable" as injuries, said the safety professional, who asked to remain anonymous. "I saw a lot of stuff that was like, 'Wow, this is crazy.' "

Even where supervisors labeled an injury job-related, it often didn't get recorded on OSHA logs:

For a dozen examples provided to the company by Reveal, Tesla stood by its decision to not count them. It said workers may have thought they were injured because of their jobs, and supervisors may have assumed the same. But later, Tesla said, a medical professional – sometimes contracted or affiliated with the company – determined there was no connection to work.

And then there are injuries suffered by temporary workers X

Companies must count those injuries if they supervise the temps:

At one point, though, White said she asked her supervisor why the injury rate seemed off, and he told her they weren't counting temp worker injuries.

"They knew they were reporting incorrect numbers," White said. "Those workers were being injured on the floor and that wasn't being captured, and they knew that."

Tesla began to fix that problem in 2017, former employees said, but it's unclear how consistently.

After workers requested the company's injury logs last year, Tesla [amended](#) its [original](#) 2016 report to add 135 injuries that hadn't been counted previously. The company said it changed the numbers after it discovered injuries that hadn't been shared with Tesla by its temp agencies.

Average Isn't Good Enough...Until It Is

Now, we wrote about the health and safety problems at Tesla last year after [Worksafe](#), a California-based organization that works to prevent injury, illness, and death, [issued a report](#) finding that the rate of serious worker injuries at Tesla's Fremont, California plant was approximately double the auto industry rate for 2015. Tesla rebutted that in 2017, Tesla's overall injury rate was dramatically better in the first quarter of the year. And Musk later stated that even being "average" wasn't good enough for him. He wanted to be better than average:



was much better than the industry average. A company [blog post](#) said that to be average would be “to go backwards.”

(X)

Then Tesla apparently did hit reverse.

“Our 2017 data showed that we are at industry average, so we’re happy about that,” Shelby said, explaining the earlier claims as a “snapshot in time.”

A Calculated Disinformation Campaign Driven by Extremists

So how did Tesla respond to the Reveal investigation? Maybe something like “thanks for pointing out these serious problems. We will do whatever is necessary, no matter the cost, to fix them?”

Not exactly. More like a [statement](#) accusing Reveal of being a tool in an ongoing unionization drive and portraying “a completely false picture of Tesla and what it is actually like to work here.”

“In our view, what they portray as investigative journalism is in fact an ideologically motivated attack by an extremist organization working directly with union supporters to create a calculated disinformation campaign against Tesla.”

Well at least they didn’t call the Reveal journalists “slime bags.”

The UAW has been trying to organize the plant for some time. The authors of the article noted that “Some of the workers who spoke to Reveal have supported the

(X)

And one more thing that wasn't mentioned in the article. (X)
You all may remember last March when [Congress repealed OSHA's Volks regulation](#) that would have allowed OSHA to continue enforcing a requirement that employers maintain accurate injury and illness records for a period of five years. What that means is that in this case, let's say OSHA launches an inspection of Tesla on May 1 and finds dozens or hundreds of cases of chronically and deliberately inaccurate recording of injuries and illnesses over the past five years. And let's say it then takes OSHA four months to issue a citation. Due to the repeal of the Volks rule, OSHA would only be able to cite inaccurate recordkeeping for the months of March and April 2018, and most likely issue a tiny penalty.

As we've [described before](#), OSHA has in the past used large recordkeeping citations to drive major health and safety improvements in large companies and throughout entire industries. But no more. Thanks Trump (and Ryan and McConnell)

Now, of course, Tesla is in California and is under CalOSHA's authority, not federal OSHA's authority. It's unclear to me whether the Volks case, which limited OSHA recordkeeping citations to six months, applies in California. (Those who know the answer, feel free to use the comment link below.)

I Can't Sleep Here at Tesla

Former safety lead Justine White's story says everything there is to say about Tesla's approach to workplace safety:

A few months into her job, White became so alarmed that she [wrote](#) to a human resources manager that "the risk of



The next day, she emailed Sam Teller, Musk's chief of staff, that safety team leaders were failing to address the hazards.

"I know what can keep a person up at night regarding safety," she wrote. "I must tell you that I can't sleep here at Tesla."

She said she never heard back from Musk's office. She transferred departments and quit a couple months later, disillusioned.

Meanwhile, we hear that CalOSHA has opened a new inspection at Tesla.

Stay tuned.

This blog was originally published at Confined Space on April 18, 2018. Reprinted with permission.

About the Author: **Jordan Barab** was Deputy Assistant Secretary of Labor at OSHA from 2009 to 2017, and spent 16 years running the safety and health program at the American Federation of State, County and Municipal Employees (AFSCME).

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Posted in Uncategorized, workplace safety Tagged Elon Musk, signs, Tesla, worker safety Leave a Comment

Tesla Workers Sav Elon Musk





Just Gave Their Case a Boost.

Posted on April 12, 2018 by Michael Arria

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Tesla factory workers have been trying for months to win restitution for the company's alleged union-busting and harassment. Now, a National Labor

Relations Board (NLRB) complaint against the company appears to be making strides.

Last August, the NLRB filed a complaint against Tesla after finding merit in a number of accusations from employees at its Fremont, California factory. Some Tesla factory workers say the company engaged in various forms of union-busting, through harassment and surveillance. They also claim that Tesla required them to sign a confidentiality agreement which prohibited them from discussing the details of their working conditions.

On March 30, the NLRB amended the complaint to add new allegations from workers which the board found to have merit. In the new claims, Tesla workers say the company investigated them after they posted information on a pro-union Facebook page.

The case has now been scheduled to go before an NLRB



and that workers will have their concerns heard, constitute significant developments in the case.

The amended NLRB complaint comes as Tesla, and its CEO Elon Musk, are being criticized for failing to live up to their production goals. After Tesla shares dropped last month, its engineering chief Doug Field sent an email to staff attacking people who doubted Musk's vision. "I find that personally insulting, and you should too," Field [wrote](#) in a March 23 email. "Let's make them regret ever betting against us. You will prove a bunch of haters wrong."

In an internal memo from March 21, the company also announced that a small number of "volunteers" would be brought in to help assist with Tesla's Model 3 line. After *Bloomberg* reported this fact on March 29, Tesla informed the outlet that volunteer shifts would only take place on one day, while production of the company's Model X and S cars was stopped. [Employees](#) who regularly work on those models could either volunteer to work on the Model 3, take paid time off, or take unpaid time off that day. "The world is watching us very closely, to understand one thing: How many Model 3's can Tesla build in a week?" Field [wrote](#) in his email to staff. "This is a critical moment in Tesla's history, and there are a number of reasons it's so important. You should pick the one that hits you in the gut and makes you want to win."

The working conditions of Tesla employees, and their organizing efforts, were brought to the public's attention last February when Jose Moran, a production worker at Tesla's plant in Fremont, published a *Medium* post criticizing the company's hourly wages and high number of preventable work injuries. "Tesla isn't a startup anymore. It's here to stay," [wrote](#) Moran. "Workers are ready to help



that Tesla workers had reached out to the United Auto Workers (UAW) for assistance with their unionizing efforts.

Workers at the Tesla factory say they were reprimanded by management for printing copies of Moran's post and attempting to pass them out, along with information about the UAW. Three workers cited this action in the charges that became part of the August complaint from the NLRB. Workers also claim they were harassed for wearing UAW shirts. The updated complaint claims that two workers were investigated and interrogated by Tesla after they posted company information in a private Facebook group called "Fremont Tesla Employees for UAW Representation." [Last October](#), one of the employees was fired and the other was given a disciplinary warning. Tesla said it fired the employee after he admitted to lying about the incident during their internal investigation.

That same month, Tesla [fired](#) 700 of its employees without notice or warning, about 2 percent of its entire workforce. The UAW promptly filed a [federal complaint](#) against the company, claiming that some of the employees were fired because they were part of the unionization efforts. On a quarterly earnings call last November, Elon Musk [defended](#) the firings and called criticisms of them "ridiculous." He pointed to Tesla's supposedly high standards for performance. "You have two boxers of equal ability, and one's much smaller, the big guy's going to crush the little guy, obviously," said Musk. "So the little guy better have a heck of a lot more skill or he's going to get clobbered. So that is why our standards are high. They're not high because we believe in being mean to people. They're high because if they're not high, we will die."

Last November, the UAW filed another complaint against

organizing. The NLRB consolidated these charges into the  ongoing complaint.

Earlier this month, Tesla released the following [statement](#) regarding the amended NLRB complaint: “These allegations from the UAW are nothing new. The only thing that’s changed since the UAW filed these charges is that many of the allegations have been outright dismissed or are not being pursued by the NLRB. There’s no merit to any of them.”

Legally, Tesla has to respond to the newest round of complaints by April 13. The case will go before an administrative judge on June 11.

This [article](#) was originally published at **In These Times** on April 12, 2018. Reprinted with permission.

About the Author: Michael Arria covers labor and social movements. Follow him on Twitter: @michaelarria

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The Blue-Collar Hellscape of the Startup Industry

Posted on December 5, 2017 by Julianne Tveten



On November 13, Marcus Vaughn filed a class-action lawsuit against his former employer. Vaughn, who'd worked in the Fremont, California factory for electric automaker Tesla, alleged that the manufacturing plant had become a “[hotbed for racist behavior](#).” Employees and supervisors, he asserted, had routinely lobbed racial epithets at him and his fellow Black colleagues.



Vaughn said he complained in writing to the company’s human resources department and CEO Elon Musk, but Tesla neglected to investigate his claims. In true [tech executive](#) fashion, Musk deflected Vaughn’s misgivings, shifting the blame to the assailed worker. “In fairness, if someone is a jerk to you, but sincerely apologizes, it is important to be thick-skinned and accept that apology,” he wrote in a [May email](#). In late October, according to Vaughn’s suit, he was fired for “[not having a positive attitude](#).”

The news of rancorous working conditions for Tesla employees is merely the latest in a series. Vaughn’s case signals the broader social and physical perils of couching traditional factory models within the frenzied, breakneck tech-startup framework of high demand, long hours and antipathy toward regulation.

Tesla’s Fremont facility has bred a number of allegations of abuse, from discrimination to physical harm. Vaughn’s is [at least](#) the third discrimination suit filed this year by Black Tesla workers alleging racism. A former third-party contracted factory worker, Jorge Ferro, has taken [legal action](#) to combat alleged homophobic harassment. The



sustained such work-related maladies as loss of muscle strength, fainting and herniated discs. (X)

In response to Ferro's allegations, Tesla told *In These Times* that it "takes any and every form of discrimination or harassment extremely seriously." But the company denied responsibility on the grounds that Ferro was contractor, not an employee.

Tesla's factory conditions evoke those reported at another Silicon Valley darling: Blue Apron. In the fall of 2016, *BuzzFeed* detailed the consequences of the lax hiring practices and safety standards governing the food-delivery company's Richmond, Calif. warehouse. Employees reported pain and numbness from the frigid indoor temperatures and injuries from warehouse equipment. Many filed police reports stating co-workers had punched, choked, bitten or groped them, amid threats of violence with knives, guns and bombs.

At the time of these complaints, both companies had fully ingratiated themselves to investors. Tesla's reported worth is so astronomical even the most technocratic corporate media—and Musk himself—question it. Blue Apron, which went public this year, snagged a \$2 billion valuation in 2015. (Blue Apron has since seen a marked decline, a development that maybe have been spurred by *BuzzFeed*'s report.) As a result, both companies have habitually placed escalating pressure upon their employees to generate product, their executives eyeing the potential profits.

Predictably, these companies' legal compliance appears to have fallen to the wayside in the name of expediency. Tesla and Blue Apron factory employees have found



In 2015, Blue Apron appeared to violate a litany of OSHA regulations, ranging from wiring to chemical storage. It also hired local temporary workers via third-party staffing agencies—likely to circumvent the costs of such [benefits](#) as health insurance. As *BuzzFeed* noted, these staffing agencies independently screened candidates in lieu of internal background checks. Compounding the problem, the company expected temps to operate machinery they were [unqualified](#) to handle. (Blue Apron has [since](#) euphemized its OSHA violations and claimed to have axed these staffing agencies. The company has not responded to requests for comment.)

Aggravating an already fraught atmosphere, the companies appear to have used punitive tactics to coerce laborers into greater productivity. While some Tesla workers are placed in lower-paying “light duty” programs after reporting their injuries, others are chided for them. One production employee, Alan Ochoa, [relayed](#) to the *Guardian* a quote from his manager in response to his pain complaint: “We all hurt. You can’t man up?”

Equally culpable is e-commerce goliath Amazon. *Bloomberg* [reported](#) that the company mounts flat-screen televisions in its fulfillment centers to display anti-theft propaganda relating the stories of warehouse workers terminated for stealing on the job. (This offers a blue-collar complement to the 2016 *New York Times* [exposé](#) on its draconian treatment of office employees.) According to a former employee, managers [upbraid](#) workers who fail to pack 120 items per hour, heightening their quotas and, in some cases, requiring them to work an extra day. Those who don’t accept overtime shifts, meanwhile, lose vacation time.

It's no wonder, then, that Blue Apron and Amazon warehouses generate [high turnover](#). In fact, this is likely by design. By creating working conditions that not only extract vast amounts of labor at low costs, but also drive workers away, tech companies can skirt the obligation to reward employees with raises and promotions. A companion to the profit-mongering schemes of Uber, Lyft and now [Amazon](#) (through its Amazon Flex delivery vertical) to classify workers as contractors, this form of labor arbitrage ensures that owners of capital avoid the risk of losing wealth to hourly workers—a class they deem thoroughly disposable.

Tesla has caused similar workforce tumult, [firing](#) employees for the foggy offense of underperformance. Of the hundreds of terminated employees from both its Palo Alto, Calif. headquarters and its Fremont facility, many were [union sympathizers](#) who'd been in talks with the United Auto Workers. The move has thus aroused suspicions that the company sought to purge dissidents—a reflection of the anti-union posture that has characterized Silicon Valley for decades.

If the near-ubiquity of factory and warehouse worker exploitation in the news cycle is any indication, tech capitalists—through their regulatory negligence and toothless “[solutions](#)”—have fostered a culture of barbarism. Low-wage laborers have little to no recourse: They're either left to endure imminent social and physical harm, or, should they seek protections against the anguish they've borne, are stripped of their livelihood.

The blue-collar hellscape Tesla, Blue Apron and Amazon have wrought is what laissez-faire, startup-styled late capitalism looks like. At a time of such disregard for the

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Elon Musk May Be a “Visionary,” But His Vision Doesn’t Seem To Include Unions

Posted on August 11, 2017 by Michael Arria

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Tesla CEO Elon Musk has been making more headlines than usual lately. Shortly after the business magnate [claimed](#) he had received governmental approval to build a hyperloop



3, a battery-electric sedan. “We’re going to go through at least six months of manufacturing hell,” he told journalists. (X)

It’s hard to know exactly what constitutes “manufacturing hell,” but it might also be difficult to ever find out. That’s because, since last November, Tesla has required employees to sign confidentiality agreements which prevent them from discussing workplace conditions. This policy has faced increased criticism since February, as workers at Tesla’s Fremont, Calif. plant have expressed concern over wages, safety and their right to unionize. They have reached out to the United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) union, which is now intervening.

Last week, some of those workers made specific demands. A group called Tesla Workers’ Organizing Committee sent a letter to the company’s board members seeking safety improvements and a clearer promotion policy. The letter cites 2015 data from the Bureau of Labor Statistics, the last full year for which such information is available. “For that year, data from the Bureau of Labor Statistics indicates that our injury rate was higher than that of sawmills and slaughter houses. Accidents happen every day,” reads the letter. The committee also addressed Tesla’s resistance to workplace organizing: “We should be free to speak out and to organize together to the benefit of Tesla and all of our workers. When we have raised this with management we have been met with anti-union rhetoric and action.”

Attention was originally drawn to the factory’s organizing fight after Tesla employee Jose Moran published a Medium post on February 9. Moran raises safety concerns, writing that, a few months ago, six of the eight people on his work team were on leave due to workplace injuries. He (X)

that some of his coworkers make a two-hour commute to work because they can't afford to live near the factory.

"Tesla's Production Associates are building the future: They are doing the hard work to build the electric cars and battery packs that are necessary to reduce carbon emissions. But they are paid significantly below the living wage for one adult and one child in our community," Maria Noel Fernandez, campaign director of the local worker advocacy group Silicon Valley Rising, told *In These Times* via email. "We believe that green jobs should be good jobs, and that they have a right to organize and advocate for themselves and their families."

The day after Moran published his post, employees passed out literature containing the piece during a shift change at the factory. According to an unfair labor practice charge with the National Labor Relations Board (NLRB) made by workers, and obtained by *Capital and Main*, this prompted management to schedule a meeting where workers were told they couldn't pass out information unless it was pre-approved by the employer. The same NLRB charge accuses Tesla of illegal surveillance and intimidation.

Moran's piece, and the subsequent accusations, were taken seriously enough to be addressed by Elon Musk directly. In an email to employees, obtained by *Buzzfeed*, Musk declared that safety concerns ignored vast improvements established in 2017. Tesla also put out a statement echoing Musk's claims. The company's data points to a 52 percent reduction in lost time incidents and a 30 percent reduction in recordable incidents during the company's first quarter.

Musk promised a "really amazing party" for workers after

paid UAW plant and that he had looked into his claims and  discovered they weren't true. The UAW, he explained, "does not share our mission" and their "true allegiance is to the giant car companies, where the money they take from employees in dues is vastly more than they could ever make from Tesla."

This wouldn't be the last time Musk would use such language in regards to a union. Six months after Tesla [acquired](#) Germany's Grohmann Engineering, Musk found himself clashing with the country's dominant metalworkers' union, IG Metall. The union intervened to insist that Tesla straighten out a wage discrepancy that had some workers claiming they were making 30 percent less than union rates. Musk sent a letter to Grohmann employees offering a one-time bonus—an extra 150 Euros a month—and Tesla shares instead of a pay increases that the employees desire. "I do not believe IG Metall shares our mission," [reads](#) the letter.

"We're a money-losing company," Musk [told](#) *The Guardian* in May. "This is not some situation where, for example, we are just greedy capitalists who decided to skimp on safety in order to have more profits and dividends and that kind of thing." Two months after that interview, *Automotive News* reported that Musk had been the highest paid auto executive of 2016, exercising stock options worth \$1.34 billion. Musk's incredible economic success hasn't exactly been generated via an unfettered free market. According to [data](#) compiled by the *Los Angeles Times* in 2015, Musk's companies have benefited from billions in government subsidies.

Whether or not Tesla's board members are receptive to employee demands, it seems clear that the workers'



About the Author: Michael Arria covers labor and social movements. Follow him on Twitter: @michaelarria 

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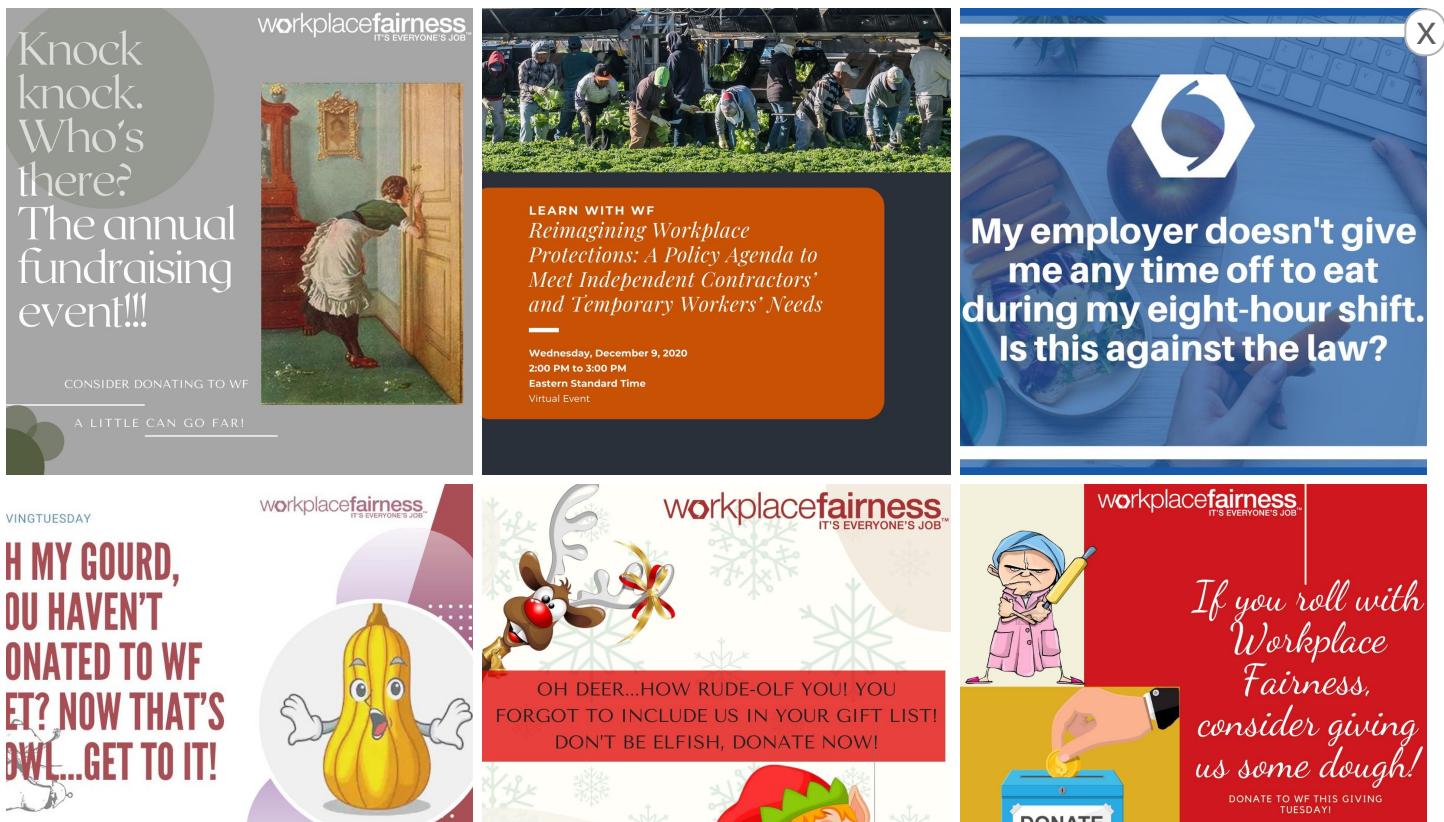
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